

To: Jill M. Pietrini(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 97642346 - ROCK THE BELLS CRUISE - 71AK-308425
Sent: November 07, 2023 03:07:24 PM EST
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97642346

Mark: ROCK THE BELLS CRUISE

Correspondence Address:

Jill M. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES CA 90067
UNITED STATES

Applicant: Smith, James Todd

Reference/Docket No. 71AK-308425

Correspondence Email Address: trademarksCC@sheppardmullin.com

FINAL OFFICE ACTION

Response deadline. File a request for reconsideration of this final Office action and/or a timely appeal to the Trademark Trial and Appeal Board (TTAB) within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links below to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response and/or an appeal. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response and/or appeal within six months of the “Issue date” to avoid abandonment of the application.

Issue date: November 7, 2023

INTRODUCTION

This Office action responds to applicant's communicated dated 10/13/23 where applicant:

1. Amended the Identification of Goods and/or Services; and
2. Added a disclaimer of the wording CRUISE.

The examining attorney has reviewed the applicant's response and determined the following:

1. Applicant's amended Identification of Goods and/or Services remains indefinite and overbroad; and
2. The disclaimer is acceptable and made of record and the requirement is *obviated*.

SUMMARY OF ISSUES

1. Amendment of Identification of Goods and/or Services Required - Maintained and Made FINAL
2. Multiple Class Application Requirements for a Section 1(b) Application - Maintained and Made FINAL

Amendment of Identification of Goods and/or Services Required - Maintained and Made FINAL

Applicant must clarify the wording "Travel and tour arrangement services" in the identification of goods and/or services in International Class(es) 39 because it is indefinite and too broad. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. This wording is indefinite because it does not make clear the nature of the services. Further, this wording could identify goods and/or services in more than one international class. For example, "Travel and tour arrangement services, namely, providing travel management services" is International Class 35, "Travel and tour arrangement services, namely, providing transport for guided tours" are in International Class 39, and "Travel and tour arrangement services, namely, conducting guided tours by {indicate, e.g., bicycle, canoe, roller skates, etc.}" are in International Class 41.

Applicant may substitute the following wording, if accurate:

- International Class 35: Travel and tour arrangement services, **namely, providing travel management services**
- International Class 39: Arranging of cruises; Boat cruises; Cruise ship services; Providing information, news and commentary in the field of travel; Travel agency services, namely, bookings for reservations for cruise and air transportation; Travel agency services, namely, providing a web site for making on-line reservations and bookings, editing, and generating reports and confirmations for cruise and air transportation; Travel and transport information services for passengers and tourists; Travel route planning services for passengers and tourists; Travel clubs; Travel guide and information services; Travel arrangement and cruise arrangement; Travel and tour arrangement services, namely, arranging of transportation for travel tours; Excursion arrangement, namely, providing transport for excursions; Travel and tour arrangement services, **namely, providing transport for guided tours**
- International Class 41: Travel and tour arrangement services, **namely, conducting guided tours by {indicate, e.g., bicycle, canoe, roller skates, etc.}**

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended.

See 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

Multiple Class Application Requirements for a Section 1(b) Application - Maintained and Made FINAL

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

Response Guidelines. Please call or email the assigned trademark examining attorney with questions about this Final Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Final Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Final Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [request form for reconsideration of this final Office action](#) that fully resolves all outstanding requirements and/or refusals and/or file a timely [appeal form to the Trademark Trial and Appeal Board](#) with the required fee(s). Alternatively, applicant may file a [request form for an extension of time to file a response](#) for a fee.

/Christina Moore/
Christina Moore
Examining Attorney
LO113--LAW OFFICE 113
(571) 270-0853
Christina.Moore@uspto.gov

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response, appeal, or extension request must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) and Electronic System for Trademark Trials and Appeals (ESTTA) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on November 7, 2023 for
U.S. Trademark Application Serial No. 97642346

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS) or the Electronic System for Trademark Trials and Appeals (ESTTA), as appropriate. Your response and/or appeal must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.